

REMARKS

Claims 1-17 are currently pending. By this Amendment, claims 1, 2, 10, 13 and 14 are amended. Claims 1, 2, 13 and 14 are amended for form. Support for the amendment to claim 10 can be found in the specification, for example, at page 14, lines 27-30 and Figs. 23 and 24. No new matter is added.

Claims 2, 10, 13 and 14 are rejected under 35 U.S.C. §112, second paragraph. The rejection is respectfully traversed.

Regarding the rejection of claim 2, by this Amendment, claim 2 is amended responsive to the rejection.

Regarding the rejection of claims 10 and 13, the Office Action asserts that it is unclear which axis is being claimed, and that the feature "the axis" lacks antecedent basis. By this Amendment, claims 10 and 13 are amended to recite "a longitudinal axis," to obviate the rejection.

Regarding the rejection of claims 13 and 14, by this Amendment, claims 13 and 14 are amended responsive to the rejection.

Applicants thus respectfully request withdrawal of the rejection.

Claims 1-7, 13, 15 and 16 are rejected under 35 U.S.C. §102(b) over Gambale (U.S. Patent No. 6,328,746). The rejection is respectfully traversed.

Gambale does not teach or suggest every claimed feature of independent claim 1. Gambale does not teach or suggest a method for reversible fixing of a tool to an end of an implantable element, when fitting a dental prosthesis, as recited in independent claim 1.

Gambale merely relates to screws 17 that are used to fix a boom plate or a wire mesh to a bone (see col. 1, lines 15-24 and col. 2, lines 35-38 of Gambale). Thus, the screws 17 are not an implantable element for a dental prosthesis, i.e., an element acting as an artificial root for the dental prosthesis. Therefore, Gambale does not teach or suggest a method for

reversible fixing of a tool to an end of an implantable element, when fitting a dental prosthesis, as recited in independent claim 1.

Also, Gambale does not teach or suggest a method that includes the successive steps of reversible fixing of a hollow intermediate connecting part onto an external complementary part of the tool, and positioning of the tool equipped with the hollow intermediate connecting part on the end of the implantable element until the hollow intermediate connecting part clips onto an external complementary part of the implantable element, as recited in independent claim 1.

The screwdriver 20 (i.e. the alleged tool) of Gambale is only positioned relative to the screw 17 (i.e. the alleged implant) after the cartridge 100 (i.e. the alleged hollow intermediate connecting part) is fixed to the screw 17 (see col. 5, lines 17-28, col. 7 lines 42-57, col. 7, line 65 to col. 8, line 2 and Fig. 11 of Gambale). Therefore, the screwdriver 20 of Gambale is not positioned on the end of the screw 17 until the cartridge 100 clips onto the screw 17. Further, the cartridge 100 is preloaded with the screw 17 prior to surgical insertion of the screw 17 by the screwdriver 20. Therefore, Gambale does not teach or suggest a tool that is positioned on the end of an implantable element until a hollow intermediate connecting part clips onto the implantable element after reversible fixing of the hollow intermediate connecting portion to an external complementary part of the tool, as recited in independent claim 1.

Further, Gambale does not teach or suggest an intermediate connecting part that clips onto the end of the implantable element until the intermediate connecting part clips onto an external complementary part of the implantable element," as recited in independent claim 1 (emphasis added). Two parts are "complementary" to one another when the parts fit together and "complete the whole" without significant amounts of open space therebetween.

However, as seen in Figs. 3 and 4 of Gambale, the screw 17 and the cartridge 100 do not complement one another. Rather, as seen in Fig. 4, when the cartridge 100 grips the screw

17, significant amounts of open space are present between the cartridge 100 and the screw 17. Therefore, the cartridge 100 is not an external complementary part of the screw, as recited in independent claim 1.

Therefore, for at least these reasons, independent claim 1 is patentable over Gambale. Claims 2-7, 13, 15 and 16, which depend from independent claim 1, are also patentable for at least their dependency on independent claim 1, as well as for the additional features they recite. Applicant thus respectfully requests withdrawal of the rejection.

Claims 1, 2 and 8-17 are rejected under 35 U.S.C. §102(b) over Gervais et al. (U.S. Patent No. 7,160,109). The rejection is respectfully traversed.

Gervais does not teach or suggest every claimed feature of independent claim 1. As stated in the attached International Preliminary Report on Patentability, Gervais does not teach or suggest reversible fixing of a hollow intermediate connecting part onto an external complementary part of the tool, and positioning of the tool equipped with the hollow intermediate connecting part on the end of the implantable element, as recited in independent claim 1.

Gervais merely relates to an implant (12, 250) directly fixed to a fixture mount (14, 200) that clips onto a drive extension 20 of a drive tool 18 (see Figs. 1 and 16 of Gervais). However, the fixture mount (14, 200) (i.e., the alleged hollow intermediate connecting part) is positioned on the end of the implant (12, 250) (i.e., the alleged implant) not the drive tool 18 (i.e., the alleged tool) (see Fig. 1 of Gervais). Further, as seen in Fig. 1 of Gervais, the drive tool 18 is spaced from the implant 12. Therefore, Gervais does not teach or suggest a tool positioned on the end of an implantable element, as recited in independent claim 1 (emphasis added).

Therefore, for at least these reasons, independent claim 1 is patentable over Gervais. Claims 2 and 8-17, which depend from independent claim 1, are also patentable for at least

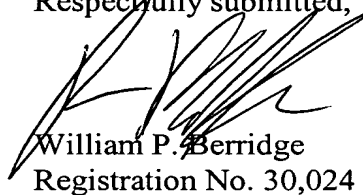
their dependency on independent claim 1, as well as for the additional features they recite.

Applicant thus respectfully requests withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Patrick T. Muffo
Registration No. 60,342

WPB:PTM/wkb

Date: April 10, 2008

Attachment: International Preliminary Report on Patentability

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PA1734WO	FOR FURTHER ACTION See Form PCT/ISA/416	
International application No. PCT/FR2004/000822	International filing date (day/month/year) 01.04.2004	Priority date (day/month/year) 16.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant TANIMURA, Rémy		

<p>1 This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2 This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3 This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4 This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	
Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000822

Box No. I Date of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- ☐ the international application as originally filed/furnished
- ☒ the description
- pages 1-17 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/14-14/14 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) — see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70 2(c))
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000822

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-17

YES

Claims

NO

Inventive step (IS)

Claims 3-6, 9, 11-14

YES

Claims 1, 2, 7, 8, 10, 15-17

NO

Industrial applicability (IA)

Claims 1-17

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: US 2003/054319 A1 (GERVAIS CHRISTOPHER ET AL) 20

March 2003 (2003-03-20)

D2: WO 00/54696 A (GALLICCHIO ANTONIO) 21 September 2000

(2000-09-21)

The present application fails to comply with the requirements of PCT Article 6 because the subject matter of claims 1 and 2 is not clear.

Claims 1 and 2 attempt to claim an intermediate connecting part by reference to the tool and the implantable element ("*hollow ... comprising attachment means for reversibly attaching the connecting part to a matching outer portion of the tool, and snap fitting means arranged to be snapped into a matching outer portion of the implantable element ...*"), and by reference to the result to be achieved ("*... in order to enable the reversible attachment of various types of tool within various types of implantable element*"). As stipulated in the PCT Examination Guidelines (§ 5.35 and § 5.37), this manner of claiming a device is not permitted because it

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

is considered to be unclear.

For the purposes of the examination, and in spite of the above-mentioned lack of clarity, which can be addressed in the regional phase, the claims have been examined in the light of the description and are considered to comply with the requirements of novelty and inventive step of the PCT.

Document D1, which is considered to be the prior art closest to the subject matter of claims 1 and 2, describes a hollow intermediate connecting part attached to an outer portion of the tool and screwed onto the implantable element.

It follows that the subject matter of claims 1 and 2 differs from the connecting part described in D1 in that the tool is reversibly attached within the implantable element and in that snap fitting means are provided for snapping into a matching outer portion of the implantable element.

No such devices are described in the prior art, nor does the prior art suggest that such alterations to existing devices are possible. As a result, claims 1 and 2 are considered to comply with the requirements of PCT Article 33(1).

Claims 3 to 17 are dependent on claim 2 and thus also comply, as such, with the requirements of novelty and inventive step of the PCT.